

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|------------|---|-----------------------------------|---|---------------------|
| Applicants | : | Bush, <i>et al.</i> |) | |
| | | |) | |
| Serial No. | : | 10/520,360 |) | |
| | | |) | Group Art Unit: |
| Filed | : | January 5, 2005 |) | 1612 |
| | | |) | |
| For | : | CRYSTALLINE 2,5-DIONE-3-(1- |) | |
| | | METHYL-1H-INDOL-3-YL)4-[1- |) | |
| | | (PYRIDIN-2 -YLMETHYL)PIPERIDIN-4- |) | |
| | | YL]-1H-INDOL-3-YL]-1-PYRROLE |) | |
| | | MONO-HYDROCHLORIDE |) | |
| | | |) | Examiner: |
| | | |) | S. Qazi |
| | | |) | |
| | | |) | |
| Docket No. | : | X-14484 |) | Confirmation # 5540 |

PETITION UNDER 37 CFR §1.181 TO REQUEST EXAMINER ENTRY OF IDS UNDER
37 §CFR 1.97(c)

Petition, Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition that the Examiner be directed to reconsider the May 11, 2010 denial of entry of the Information Disclosure Statement (IDS) filed on March 2, 2010. This petition is being filed within 2 months of having received the denial of the entry of the IDS.

Applicants direct the Director's attention to 37 CFR §1.97(c) (also MPEP §609 (c)) which states:

An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; or

(2) The fee set forth in §1.17(p).

Applicants submit that the March 2, 2010 IDS was submitted prior to the May 4, 2010 Notice of Allowance and that the statement specified in paragraph (e) of 37 CFR 1.97/MEP 609 stating that each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

Since Applicants submitted prior to the notice of allowance and submitted the required statement in paragraph (e), the Examiner erred in not entering the IDS and Applicants respectfully request that the Examiner be directed to withdraw her denial of the IDS and enter it.

If the Director has any questions, or would like to discuss any matters in connection with this application, she is invited to contact the undersigned at (317) 277-3537. Please charge any fees or credit any overpayment in connection with this application which may be required by this or any related paper to Deposit Account No. 05-0840.

Respectfully submitted,

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July 2, 2010